

**In the High Court of Punjab and Haryana, at Chandigarh**

**Civil Revision No. 1285 of 2022 (O&M)**

**Date of Decision: 19.07.2022**

Indiabulls Financial Services Limited

... Petitioner(s)

Versus

Narender Singh and Others

... Respondent(s)

**CORAM: Hon'ble Mr. Justice Anil Kshetarpal.**

Present: Mr. Rajeev Anand, Advocate  
for the petitioner(s).

**Anil Kshetarpal, J.**

1. The petitioner herein is the defendant No.1 in a suit for recovery of damages on account of malicious prosecution. The petitioner prays for grant of an opportunity to file the written statement as the learned trial Court has struck off his defence on account of non-filing of the written statement.

2. The learned counsel representing the petitioner contends that an application, filed under Section 8 of the Arbitration and Conciliation Act, 1996, came to be dismissed on 21.09.2021, whereas the impugned order was passed on 21.10.2021. The learned counsel has informed this Court that the case is now fixed, before the learned trial Court, for hearing on 25.07.2022 for the plaintiff's evidence. He submits that the plaintiff has tendered his affidavit in lieu of his examination-in-chief and the case is now fixed for his cross-examination. He undertakes to file the written statement

Before the next date of hearing i.e. 25.07.2022.

3. Keeping in view the aforesaid facts, the present revision petition is allowed. The learned trial Court shall entertain the written statement, if any, filed by by the petitioner before the next date of hearing, subject to the payment of ₹10,000/-, which shall be payable to the plaintiff. The plaintiff shall be entitled to lead fresh evidence after the written statement has been filed.

4. Since this order has been passed without issuing any notice, therefore, the plaintiff shall have the liberty to file an application for recall.

5. The miscellaneous application(s) pending, if any, shall stand disposed of.

**(Anil Kshetarpal)**  
**Judge**

**July 19, 2022**  
**“DK”**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No